and in the case where I testified last Summer, June and July, before what is known as the Subversive Control Board—

Mr. Nelson:

Q. I'm not asking you those questions. I'm asking you whether or not you get paid when you testify? You can answer "Yes" or "No".

[fol. 1279] The Court: No, he can't answer that "Yes" or "No." He is outlining the cases in which he received a per diem compensation and expenses, and the other cases in which he just received expenses.

Mr. Nelson: Well, your Honor, we will come to that.

The Court: Well, he is trying to give it to you now. He can't answer "Yes" or "No" to your question though.

Mr. Nelson: Well, I think it can be answered whether he gets paid or not for testifying.

The Court: In some cases yes and in some cases no; he told you that.

Mr. Nelson: Well, let them go ahead and straighten the thing out in redirect. They have a right to do that. Let them not take up my time.

The Court: They don't want to do it, so you go ahead [fol. 1280] and elicit from the witness what information you want.

Mr. Nelson: All right.

Mr. Nelson:

Q. So you get paid when you testify in some cases $25.00 a day and $9.00 expenses?

A. In some cases.

Q. And how long does a case run?

A. It usually runs according to the length of time that the Communist defendants and their attorneys use for cross examination. Direct examinations are usually very brief—a matter of hours, or a day or two at the most.

Q. I know, Mr. Crouch, you don't like to be cross examined, do you?

Mr. Cerrone: I object to this——

A. I have no objection whatever.

The Court: All right, now——

Mr. Nelson:

Q. I see. Is that why Mr. Cercone made objections before this started, so I can't cross-examine you on such matters——

[fol. 1281] Mr. Cercone: I object to this.

The Court: I will instruct the witness not to elaborate or inject any thoughts into this, to be responsive in his answers on cross-examination as he was on direct.

Mr. Cercone: And I object to this defendant badgering the witness.

The Court: Well, the witness provoked him to that extent by elaborating in a few instances, and I am telling the witness to be responsive. You will argue the case for the Commonwealth, Mr. Nelson will argue it for the defendant, and it is not the purpose or prerogative of witnesses to inject into the case anything but the answer to the questions put to them.

Mr. Nelson:

Q. Well, since you have been employed by the Immigration Department as a Consultant and you go around to these various cases and testify, does your pay continue in the Department of Immigration, and the testimony—or, rather, pay for your testimony is added gravy to your income?

A. First of all, Mr. Nelson, this is the first case I have [fol. 1282] testified in anywhere since I have been employed by the Immigration and Naturalization Service; secondly, I am not receiving one penny of wages from the Department of Justice while I am here; I'm losing in wages approximately the same as I am receiving from the State of Pennsylvania.

Q. Do you make any money by writing articles? Do you receive any money for writing articles?

A. I haven't received any money for articles since I've been employed by the Department of Justice. I have prior to that time.

Q. Is your wife employed?

A. No, her health doesn't permit it. She's in very poor health at the present.

Q. Did you testify at another hearing that she is employed by the same department?

Mr. Cercone: This is objected to as being incompetent, your Honor.

Objection overruled.

A. No, I have never testified that my wife was employed by the Government. She never has been. I have testified regarding her employment elsewhere.

[fol. 1283] Q. Well, who did she work for before she went to the—to work for the Department of Immigration?

Mr. Cercone: Objected to as going——

Objection overruled.

A. Before she went to work—she has never gone to work for the Department of Immigration. She has never been employed by the Department of Immigration. Her last job was as a cashier in Miami, Florida.

Mr. Nelson:

Q. Does she go testifying in various trials; at various trials and hearings?

A. She has been subpoenaed in—by the State of New York and I believe once or twice by the Immigration and Naturalization Service.

Q. About how many times all told did she testify for the various departments that you have been associated with yourself?

A. How many times have I testified?

Q. Has she testified?

A. Oh, she? She testified in Los Angeles on one occasion involving two cases and in New York on one occasion that I recall, and then she testified for the State of New York in its actions against the Inigrnational Workers Order. That's the extent of her testimony, except at public hear-[fol. 1284]ings, she has testified under subpoena before the House Committee on Un-American Activities on three or four occasions; she has testified on four or five occasions before the United States Senate Committees, for which she received no fee.

Q. So your testimony now is that your wife does not work

as an Analyst or a Consultant for any of the Government bodies?

A. No, she is not employed and has never been employed by the United States Government.

Q. All right.

A. (continued) To keep the record straight, I should say there's a vast—that my statement she is not employed does not mean she does not voluntarily aid, as a private citizen, agencies of the Government without compensation.

Q. So that when you testify in some of these cases you make $34 a day, don't you?

A. I don't make it because my—after my expenses are paid I make approximately the same as my present wages for the Department of Justice.

Q. Everybody has got expenses——

Mr. Cercone: This is objected to.

The Court: Well, we can figure $25 and $9 is $34, less expenses, ourselves. There is no need to pursue that.

[fol. 1285] Mr. Nelson:

Q. And, of course, to continue testifying, Mr. Witness, you have to deliver the goods, don't you, when you go and testify?

The Court: You mean by that his——

Mr. Nelson: I mean to perform the way the boss who pays him the money demands of him.

Mr. Cercone: What do you mean by "the boss?"

Mr. Nelson: The prosecutor in the case, like yourself in this case, since you asked the question.

The Court: You mean the side calling him, the Commonwealth in this case?

Mr. Cercone: I object to that.

Objection overruled.

A. Read the question, please.

(Question read.)

A. No one demands anything of me except to tell the truth as I know it and state the facts in answer to questions.

[fol. 1286] Q. All right. Are you being paid for testifying in this case?

A. I'm receiving an expert witness fee in this case.

Q. $25.00 a day?

A. Yes.

Q. And $9.00 a day expenses?

A. Yes.

Q. And who pays you in this case?

A. The State of Pennsylvania—Commonwealth of Pennsylvania, I beg your pardon.

Q. I see. Who gives you the money? I mean who gives it to you?

A. The Commonwealth of Pennsylvania.

Q. Well, it seems to me that if my memory is correct, the last time you testified in this city you stated Mr. Lewis paid you?

A. He didn't sign—he delivered a check signed by someone else.

Q. All right, that's all I asked you, who delivers the check to you?

A. I don't know who is going to deliver the check to me here.

Q. I see. You still have to show the kind of performance you are going to put on?

A. What is the question I'm being asked?

The Court:

Q. Do you have to show or perform the way you are requested in order to get the check?

A. Of course it is—the question—of course, certainly not. No State; no Government outside of the Iron Curtain [fol. 1287] imposes such rules that I know of.

Mr. Nelson:

Q. How much did you get for your testifying in this court room last year all told?

Mr. Cercone: That is objected to. I think that is irrelevant in this case.

The Court: Yes——

Mr. Nelson: It is very relevant, Mr. Cercone. This man is a paid professional spy, a stool pigeon, and he works for money, that's his job, fingering people——

Mr. Cercone: You direct your remarks to the Court. Don't alk to me.

The Court: The objection is sustained except to the ex-ent of asking him what his rate of pay was. We are not oing to inform this jury, or go into the matter of the dura-on of the last trial.

fol. 1288] The Court:

Q. What was your rate of pay for testifying at the last rial?

A. The rate of pay was $25.00 per day, and for the most art a $7.00 per diem expenses.

Mr. Nelson:

Q. What's the matter, somebody trying to chisel on you?

A. I would prefer not—I would prefer, Mr. Nelson, not o be forced to act as though this were a burlesque; I pre-er to consider this as a serious proceeding.

The Court: We so consider it, Mr. Crouch.

Mr. Nelson:

Q. Yes, I know it's a serious proceeding, but you are try-ng to take my life away, you lousy rat——

The Court: Just a moment, Mr. Nelson, I have been very atient but I assure you that from now on there will be no ore of that, or my patience will be ended. The direction of uch remarks to a witness is entirely unfounded and unjus-ified and beyond your right as a citizen, or a litigant, or as lawyer, or anything else in this court room, and I'll have fol. 1289] you understand that.

Mr. Nelson: Well, Your Honor, will you instruct him not o talk to me unless I ask him a question.

The Court: I will tell him to limit himself to being re-ponsive to the question. You put a question to him that eeds explanation, or a defense on his part, and you will ave to bear the consequences of it. You can't expect to irect derogatory remarks to him and expect him to sit here almly any more than you can sit by calmly if you think he s directing any such remarks at you.

Mr. Nelson:

Q. What arrangements did you make with your Depart ment in Washington, D. C., when you were asked to come nd testify in this case?

A. I asked them if it were possible—I told them that I ad been asked to testify and asked if the work schedule would prevent me from doing so. And they went over the chedule and arrived at the opinion that there was nothing hat could not be rearranged in my work schedule to pre-

[fol. 1290] vent me from testifying briefly in this case.

Q. I see. What about your pay? Does it continue in Wash- ngton, D.C., while you get $25.00 a day plus expenses here?

The Court: He has answered that. That is repetitious.

Mr. Nelson: I don't know what the answer is.

The Court: He said there was no pay coming to him from Washington for this period.

Mr. Nelson:

Q. Have you got a contract, a written contract, which spec- fies the conditions and how long it is to run and so forth, n reference to your job in Washington, D. C.?

A. No, I don't.

Q. You don't. So there is no contract of any sort you ave with the Department you are working for now?

A. Only a—only a contract that I am to be an employee within—to perform certain duties as of eight hours per day, nd to carry out the directives on my work as required in he course of it, and that I am to receive the wages of $20.00 per day, or $100.00 a week, to that substance, that's all.

Q. But your first answer to my question when I asked you do you have a contract was a flat "No"—right?

[fol. 1291] A. The question was whether I had a contract stating the duration of my employment.

The Court: A written contract.

A. (continued) A written contract covering the duration of my employment.

Mr. Nelson:

Q. And other features that go into a contract.

A. I understood it——

The Court:

Well, do you have a written contract at all?
I don't know whether you would call it a contract or
I filled out——

Mr. Nelson:

What's up there? Do you see something up there when
look up there——

he Court: Well, now, Mr. Nelson, don't be acting that

r. Nelson: Well, I see him staring up there. Can't he
1292] look me in the eye and answer my questions?
he Court: You can argue that later to the jury.
Read the question back before I was interrupted.

(Question read.)

It's questionable as to whether the papers I signed
employment as a Federal employee would be termed a
ract or not.

The Court:

Well, did the Government sign a copy and give you a
, or did you sign an application for employment?
They never gave me any copy at all. There were cer-
forms I filled out and I was not given any copy.

Mr. Nelson:

Then I will ask the witness, did you testify on July 22,
, in New York City, to the effect that you had a con-
which called for $25.00 a day plus expenses?
Not as an employee of the Government. I had a con-
to appear in a certain case and the contract provided
hat.
1293] Mr. Nelson: It took a long time to get that
your Honor.
he Court: No, you never asked him that. You asked
whether he had a contract with the Government, not
ntract for witness fees. If you want to know whether
as a contract for witness fees in this case, ask him

that, but that's different than a contract with the Federal Government.

Mr. Nelson: I was only trying to find out what kind of a contract he had in Washington, D.C.

Mr. Nelson:

Q. So that you say you are getting now $100.00 a week from the Immigration Department job, plus expenses. Was that your testimony?

A. I receive expenses only when I am out of Washington.

Q. When you testify like this, you mean?

A. I do not receive any compensation whatever. I have stated already that I am receiving no compensation from the Department of Justice while I am appearing here. I am losing all the salary which is approximately in practice equal to what I am receiving here.

Q. Now, Mr. Witness, at the time when you worked for [fol. 1294] the Communist Party in Alameda County, how much were you getting then?

A. $37.50 plus use of car, plus car upkeep, plus the Party providing medical facilities when needed for myself and family, and expenses when traveling.

Q. $37.50 for how long?

A. Per week.

Q. When you went to work in the—for the Boyles Manufacturing Company, I believe you testified, what was your salary there?

A. I received as high as a hundred—I received as much as $110 a week from Boyles. I don't know what the minimum was.

Q. By the way, why did you quit that job?

A. I quit the job, Mr. Nelson, on advice of the doctors that the climate in Oakland was harmful to my health and that I might contract t.b. if I remained there; they advised a warmer climate, therefore I quit my job and moved to Brownsville, Texas, to a dry climate.

Q. And I suppose the climate in Washington suits you fine right?

Mr. Cerrone: This is objected to.

Objection overruled.

A. The climate in Washington is not—is much better than
y area of Oakland, especially for one who is subject
colds, but it is not ideal.

l. 1295] Mr. Nelson:

Q. I believe you stated you testified at hearings that
conducted by the Immigration Department—right?
A. What are known as Administrative hearings?
Q. Yes.
A. Yes.
Q. About how many times did you testify at those kind
hearings?
A. I already stated I testified approximately fourteen
es, as I recall.
Q. Fourteen times. Were any of those people you
tified against subject to be deported to Fascist Spain,
Fascist Greece, or Fascist Turkey?
A. In the first place, I am not sure that—I do not think
t Turkey or Greece can be called Fascist countries;
y are certainly less Fascist than Russia, or Bulgaria, or
umania, or Poland. I don't recall any testimony—I
n't say there was not any, but I do not recall any where
re were citizens from any of the countries you mentioned,
ving out the adjective "Fascist".
Q. So you don't remember testifying in any cases in-
ving workers that were likely to be deported to Fascist
anco Spain, do you?
A. I do not recall testimony in any cases involving
anish citizens.
Q. Do you recall testifying against any Greek seamen,
ion men, who didn't dare to go back to their country
ause if they did they would be executed?

l. 1296] Mr. Cercone: That is objected to as a state-
nt in a question.
Objection overruled.

A. First of all, I regard Greece as a democratice coun-
heroically fighting to defend its freedom from the
eat of Red Fascist conquest——

The Court: Let's not defend Greece or Spain. Just
swer the question.

A. I don't recall. I don't say there were no cases involving Greek citizens but I don't recall any.

The Court: What were the other two?

Mr. Nelson:

Q. Spain, Greece and Turkey.

A. No, I am reasonably sure there were no cases involving citizens of democratic Turkey.

The Court:

Q. Italy?

Mr. Nelson: No, I didn't raise that.

[fol. 1297] The Court: Excuse me. I thought you said Fascist Italy.

Mr. Nelson: No.

Mr. Nelson:

Q. When did you come to Pittsburgh to testify in this case?

A. I came up on the first of this month; came up New Year's Day, got in New Year's night.

Q. And your pay started from the day you came here, didn't it?

A. Yes, sir.

The Court:

Q. Is the answer "Yes"?

A. Yes.

Mr. Nelson:

Q. Well, who was it that asked you to come to testify in this case against me?

A. I had a call—I have to state the circumstances to answer your question adequately——

Q. Mr. Witness——

Mr. Nelson: The question is simple, I believe, Your Honor.

The Court:

Do you know the personality that engaged your
ices?

1298] A. I first received a phone call and a com-
ication from the former Assistant District Attorney
Lewis. I answered his letter expressing the hope he
ld not find it necessary to call me. I had a phone call
n Mr. Cercone expressing a desire to have me as a
ess. I did not give a definite answer and he came
n to Washington to see me and see if I would be willing
ome.

Mr. Nelson:

I see. And did you discuss your testimony with Mr.
cone?

Mr. Cercone asked me in great detail for facts about
membership in the Communist Party, my acquaint-
with you. I presume that would be considered as
ussing the testimony in that sense. He did not tell
specifically what he was going to ask but he took
n—he made voluminous notes as he asked me about
and my knowledge of you.

Did you discuss your testimony with Mr. Lewis?

No, I don't recall—I don't think I even mentioned
thing about the matter with Mr. Lewis on this occasion.
to the previous occasion I think you would object.

Did you discuss your testimony with Judge Musmanno?

Not in the sense of what I was going to say or any-
g like that. I discussed you and the question of your
ger to this country with Judge Musmanno.

The Court: Do you want that stricken?

1299] Mr. Nelson: Well, your Honor, shouldn't
witness be told to answer my questions and not make
eches and give his prejudicial opinions that he gets
l for?

The Court: We will strike his opinion out.

Mr. Nelson:

Did you re-read the transcript of the previous testi-
ny you gav

A. I looked over parts of it.

Q. Was that in order to be able to refresh your recollection and stick to the—to put on the same record that you put on the last time?

A. No, it was primarily to—to entertain myself by reading the kind of propaganda that Mr. McTernan engaged——

The Court: Oh, never mind that now.

A. (continued) That was my chief motive——

Mr. Nelson: Objection, your Honor.

The Court: Well, the answer is no, he didn't read it to refresh his memory, or to put a record on, as you expressed

[Vol. 1300] Mr. Nelson: Well, I think the answer was that he did read it. He can put any interpretation he wants on it but——

The Court: He read it but he didn't read it for the two purposes you stated, and I stopped him when he began to say that he read it for entertainment.

Mr. Nelson:

Q. All right. You testified that you worked for a newspaper in Miami, Florida—right?

A. Correct; two newspapers.

Q. What was the name of that paper?

A. Pardon me?

Q. What was the name of——

A. I worked for four newspapers in Miami. I first worked for The Union Record, the official organ of the CIO; then I was editor of the Dade County News; then I worked for the Miami Herald and then for the Miami News.

Q. I see. In what capacity did you work on those papers?

A. I worked as editor of The Union Record; I worked as editor of the Dade County News; I worked on the Miami Herald on the radio facsimile edition; in the Miami Daily News I worked writing feature articles and supervision of copy production.

1301] Q. Didn't you at any time, Mr. Witness, as a veriotypist?

I don't know what a veriotypist is. It may be a ss. I have heard the term, it may be a process of is called cold production of type; in that case, if aper had such machines I never saw one. It may be erm is that applied to I.B.M., an electric machine has been used for production of copy during strikes.

O.K.

I've never worked on such a machine and I only used nce to try to write a letter on. I'm not positive what iotypist is.

Mr. Witness, didn't you testify under oath at one e hearings in which you stated that your profession, trade, was a veriotypist?

Never.

Are you sure about that?

I'm positive. A veriotypist is either an operator——

We're not asking you that now——.

No, I've never testified anywhere that my occupa- is a veriotypist.

While you were working on the Miami Herald there a strike at that paper, wasn't there, in the plant of ewspaper?

Nothing that concerned me. The last strikes that I nything to do with was the ones you and I were con- d with in California.

1302] Q. I asked you a question——

I had nothing to do with any strike.

The Court:

Well, was there a strike on the Miami paper which were on the——

In another—in one department.

r. Nelson: Wait a minute, now. I don't think the man le to keep up with this. He gave an answer which I ob- d to, your Honor, and I think it ought to be stricken ot responsive.

he Court: Well, we will strike his previous answer nresponsive.

The Court:

Q. Now, answer the question: Was there a strike in any department of the Miami paper when you were associated with it?

A. There was a strike or strikes in other departments, things that I had nothing to do with.

Mr. Nelson:

Q. There was a strike by the members of the I.T.U., — right?

[fol. 1303] A. The Engravers Union of the Miami Herald had been on a strike, insofar as I know may still be on a strike, in Miami; and the second labor dispute involved the linotype operators, and the compositors.

Q. Then in order to get the newspaper out, that paper on which you were employed had to get its technical work done somewhere else, didn't they?

Mr. Cercone: This is objected to as going far afield.

The Court: We will let him answer.

Objection overruled.

A. They got some—they had copy sent outside, and they employed girls, stenographers, to operate I.B.M., electric machines, which then were—these I.B.M. machines set up type in——

Mr. Nelson:

Q. What were those machines?

A. They are called I.B.M. electric machines. They may be called veriotype machines, I don't know.

Q. I see you do know something about them.

A. I said they may be or may not be. I have seen them, but my total experience with them was to try to write one letter on one.

[fol. 1304] Q. All right.

A. (continued) They use this—they had this copy photographed in the Engraving Department——

Q. I'm not asking you——

A. (continued) That's the way they operated.

Q. I'm not asking you that. I asked you a simple

question: In order to get out a newspaper the publishers had to take their work to another printing shop or different plant they set up in order to turn out a newspaper; isn't that right?

A. They had to——

Q. All right, you answer yes or no.

A. The Miami Herald was having copy set up outside and they were using I.B.M. electric machines——

Q. All right.

A. This strike developed and lasted two or three days——

Q. I'm not asking you that——

The Court: Well, we have to have an explanation——

The Court:

Q. During the strike did they send some of their copy work out?

A. Yes, they did.

Q. What was the use of the machines in the place? Was it to make up copy too?

[fol. 1365] A. They used them to supplement copy sent outside.

Q. In other words, they did it both ways, is that right?

A. Yes, correct.

Mr. Nelson:

Q. So the members of the Printers Union had a picket line around the plant, didn't they, while you were working inside, isn't that right, Mr. Witness?

A. The printers—the members of the typographical Union had a picket line, presumably so that other typographic employees would not solicit work.

Q. You sure carry the——

The Court: No remarks now. He admitted there was a picket line around the plant.

Mr. Nelson:

Q. And you walked through the picket line, didn't you, Mr. Crouch?

A. Along with members of the Printers Union of the

American Federation of Labor, and other Union employees.

Q. What Unions?

A. The Pressmen's Union of the American Federation of Labor all walked through that picket line to their jobs because it didn't concern them any more than it concerned me.

Q. But the Printer's Union did have a picket line on the [fol. 1306] plant when you walked through, didn't it?

A. When I walked in company with Union pressmen and Union employees of other——,

Q. Isn't it true the Printers Union passed a resolution condemning you for walking through the picket line?

A. I have never heard of such resolution, except from a Communist attorney.

Mr. Nelson: Well, your Honor, I move that that be stricken.

The Court: Well, the answer is no, that there was no resolution that he ever heard of.

Mr. Nelson:

Q. Did you leave the paper before the strike was over?

A. Yes, I did. I left the Herald——

Q. What did they do, boot you out?

A. I——

The Court:

Q. Well, were you dismissed from service?

A. I went to work on another paper.

Q. Did you quit or were you discharged? That's what he wants to know?

[fol. 1307] Mr. Nelson: Your Honor, I wonder if we can have a little earlier break. I need certain documents that I don't have here.

The Court: Do they relate to the qualifications or the credibility of the witness or——

Mr. Nelson: Yes, yes.

The Court: Well, isn't there something then you can pursue farther along another line and come back to it after lunch?

Mr. Nelson: It's only a matter of a few minutes. I don't mind if you start earlier, if that's what you want.

The Court: That will be agreeable to me. We will recess then until 1:00 o'clock, instead of waiting until 12:00 and then recessing until 1:15.

Noon recess.

[fol. 1308] Monday, January 7, 1952.

Afternoon session.

Paul Crouch, resumes the stand for further cross-examination.

Mr. Nelson:

Q. So, the last job you had on the Miami Herald was during the strike of the International Typographical Union in this Country; right?

A. My employment terminated about coincident, or a few days after the beginning of the strike. I had been employed some four to five months prior to the strike.

Mr. Cercone: May we approach the bench, your Honor?

The Court: Come forward.

(At side bar.)

Mr. Cercone: I want to place something on the record. I would like to strike the address of this witness. I was wondering if we could have the witness testify at side bar, for the record, as to his address. I would like to protect this witness.

The Court: It is already in the record.

[fol. 1309] Mr. Cercone: It is, your Honor, already in the record. I think if the witness could explain on the record what this question means to him, what trouble he is going to have moving from that place.

The Court: Why testify about it? He will correct it in the eyes of the jury, but we couldn't strike it from the record.

Mr. Cercone: No, I wanted to leave it on the record now. I was just hoping that the witness could appear at side bar and explain the question.

The Court: It should have been done before it was adduced from him.

Mr. Cercone: All right.

(End side bar.)

Mr. Nelson:

Q. Did you quit working on the Miami Herald because of the strike?

A. I quit working on the Miami Herald for another reason which had no connection with the strike. I would be glad to tell you the reason and the circumstances under which I quit, if you wish.

Q. I ask you a question and you can answer yes or no.

A. The answer is no so far as the strike is concerned. It had nothing to do with it.

[fol. 1310] Q. You would not have quit working on a paper that was on strike, would you, Mr. Witness?

A. If it did not concern my work, and didn't concern work of union members in other departments, I see no reason. It is the usual practice of Communists to continue their work in some other department——

Mr. Nelson: Will your Honor stop him?

The Court: He said he would not have quit.

Mr. Nelson:

Q. You would have continued to work, Mr. Witness, would you not, even if there was a strike, if you could have held on to your job?

A. If it did not concern me in any way, and was not connected with my work, and was not prejudicial to the strike.

Q. It is true; isn't it Mr. Witness, that at the time you worked there there was a general strike of the printing trades in several states of this country, including Chicago, Miami, and several other cities; isn't that true?

A. Not a general strike of the printing trade. There was a strike of one section of the printing trades, International Typographical Unions, that involved certain cities—Chicago, Miami and certain other cities——

Q. Right.

A. —but did not involve the pressmen, who are part of the printing trades——

[fol. 1311] Q. It involved the linotypists; rights? Compositors, make-up men, mailers?

Mr. Cercone: I am going to object to this line of questioning.

The Court: The objection is sustained. I think it has been pursued far enough.

Mr. Nelson: All right.

Mr. Nelson:

Q. That was when, Mr. Witness?

A. January, 1949.

Q. January, 1949? Was it after the strike on the Miami Herald that you went to work for the California, that is, you went to California to testify against Harry Bridges?

A. It was—read the question back, please.

(Question read.)

A. So far as I have been recently able to ascertain, the labor conflict of the Miami Herald is not terminated as of the present moment, unless it has been very recent. So, it is a continuous labor controversy.

Q. Did you go to work for the prosecution in the State of California to testify against Harry Bridges after you left the Miami Herald?

A. I testified, under subpoena, at the trial of Harry Bridges after I left the Miami Herald.

[fol. 1312] Q. Well, when you went there to testify against Harry Bridges, did you go there because you knew him so well?

A. Yes, I went there——

Q. Just answer the question.

A. I went there under subpoena, because in the opinion of the Government, I had knowledge that the jury would not otherwise have.

Q. And you knew Harry Bridges very well; that is why you thought you would give that information; is that it?

A. No——

Q. Well, didn't you know him?

A. You and I both knew Harry Bridges.

Q. Answer my question.

A. You and I both knew the Communist, Harry Bridges.

The Court: He knew Harry Bridges.

Mr. Nelson:

Q. Did you know him very well?

A. It is a question of relativity as to what you call very well. And as to knowing a public figure like Harry Bridges, I would say you and I both knew him very well because we both gave him plenty of directions for disrupting America and destroying this country, and you know it, too.

Mr. Nelson: I move to strike that from the record as [fol. 1313] not being responsive to the question.

Mr. Cercone: That is responsive, your Honor.

The Court: Motion is refused.

The Court:

Q. How long did you know him?

A. Over a period of many years. From the time I first saw him—it was a period of many years since I first saw him until the last time, and I participated in making decisions for him to carry out, and he participated in making decisions for me to carry out.

Q. I don't know what you did with him. I want to know how long you have known him; over what period of years?

A. It was five or six years prior to the trial.

Q. Was it a personal acquaintance?

A. No, not a personal acquaintance, a political acquaintance.

Q. A political acquaintance, all right.

A. We were both familiar with the other's activities, but not a close personal acquaintance.

Mr. Nelson:

Q. Did you testify in Washington, D. C. Friday, May 6, 1949 at a subcommittee of the Un-American activities committee?

A. May 6th? I did testify before the Un-American Activities Committee.

Q. Did you testify on that date?

A. May 6th, 1949?

[fol. 1314] Q. Yes.

A. Yes, on May 6th.

Q. Do you recall being asked the following question and giving this answer.

"Mr. Cercone: I have the same pamphlet. What question are you going to ask.

Mr. Nelson: On page 205, about the middle."

Mr. Nelson:

Q. "Mr. Mandell——" that is the investigator there; right?

A. Yes. Mr. Mandell was research director and participated in some of the questioning.

Q. He asked you this question: "Did you know Harry Bridges directly, or indirectly, Mr. Crouch?" I knew Harry Bridges slightly, having met him at public meetings. I knew him through constant reports given by William Schneiderman, District organizaer of the Communist Party." Did you give that answer?

A. I did.

Q. So you feel you're qualified to testify against a man, even though you know him slightly, at a hearing which doesn't necessarily concern him properly, but when it concerns him directly then you can go there and testify as an expert on him, can't you?

A. You and I both have expert knowledge on Harry Bridges. You and I have "made the stations" enough on Harry Bridges for us both to be real experts on him.

[fol. 1315] Mr. Nelson: Your Honor, I move to strike that as an opinion of this witness, and it is a lying statement if there ever was one.

Mr. Cercone: That answer is responsive to the question.

The Court: We will eliminate your participation in it, Mr. Nelson. The witness said that he engaged in it indirectly, and so forth.

Mr. Nelson:

Q. After you got through scabbing on the Miami Herald——

Mr. Cercone: That is objected to, your Honor.

Q. —you were hired by the Employers Association, the Water Front Association of California, or San Francisco, to testify against Harry Bridges, isn't that right?

A. I have never been hired by any Water Front; I never met with anyone from the Water Front Association, and that is untrue and you know it.

The Court: Mr. Crouch, if your attorney indicates that he wants to make an objection, I would suggest that you rely on his judgment in the matter, and not answer the [fol. 1316] question. Sometimes you will offer an answer to a question that is subject to objection. Now, if you will be guided by Mr. Cercone as to what he thinks are objectionable, why it might be better for you and your counsel. However, you have answered the question and it stands.

Mr. Nelson:

Q. It is true, isn't it Mr. Witness, that the Water Front Association of San Francisco tried three times to frame Harry Bridges and they couldn't succeed——

Mr. Cercone: That is objected to.

Q. —and you came along to try to deliver the blow?

Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson:

Q. It is true, isn't it, Mr. Witness, that the reason the Water Front Association wanted to get rid of Mr. Bridges was to destroy the union and make the people work for the kind of wage they had before they organized?

Mr. Cercone: That is objected to.

[fol. 1317] The Court: Objection sustained. Regardless of the reason for the prosecution, Mr. Nelson, the only thing that is relevant here is that this witness said he went there and testified. We are not going to try, or retry Harry Bridges, or determine the reasons for his prosecution.

Mr. Nelson: Well, your Honor, I want to show that this man testifies against union men——

Mr. Cercone: That is objected to.

The Court: We have permitted you to go into the matter of strikes at the Miami Herald that affected this man, but he did not have charge of the prosecution of Harry Bridges; he went there as a witness.

Mr. Cercone: He was subpoenaed and had to go.

Mr. Nelson: Does your Honor mean that I can't pursue this line of questioning?

The Court: You can't go into the reason for the trial of Harry Bridges.

[fol. 1318] Mr. Nelson: I am not going to do that.

The Court: Certainly, you can show that this man is prejudiced, or that he is not worthy of belief, or anything of that nature and I will grant you the way to do that.

Mr. Nelson:

Q. At the time you testified against Harry Bridges were you paid the usual fee of $25.00 a day and $9.00 expenses?

A. No, I was not.

Q. How much were you paid.

A. I do not know how much it would come to per day. It was——

Q. You don't know how much it would be by the day?

A. No, it was—in making the computation it was based largely on the actual expenses and the loss of wages that were incurred.

Q. I see, you can't remember exactly? Is it because of the lapse of time, Mr. Witness?

A. The lapse of time and the fact that the—I do not recall exactly how much I went in the red. I borrowed $500.00 to cover my loss of income while I was in the trial. I still owe $100.00 on it.

Q. I see. Did they make a collection to take care of that in Washington, D. C.?

Mr. Cercone: That is objected to.

The Court: The objection is sustained. He was paid [fol. 1319] and beyond that, Mr. Nelson, we will not allow you to go.

Mr. Nelson:

Q. I believe it was in your testimony yesterday, you testified that you knew a man by the name of William Rust?

A. Yes.

Q. You testified that he was editor of the British Daily Worker, put out in London?

A. Yes.

Q. How do you know he is the editor of the British Daily Worker?

A. It *as* a matter of universal public knowledge.

Q. Do you read the British Daily Worker?

A. From time to time I do.

Q. I see. Have you read any articles by William Rust dealing with any particular question that would lie in your mind, that you would recall that he is the editor?

A. I don't recall the specific articles. I read various articles from time to time by Mr. Rust.

Q. Recently?

A. Relatively recently.

Q. In the last year or two?

A. In the relatively recent period. I can't fix the exact date. His position has been a matter of public knowledge and he writes extensively for his own British Daily Worker and the International Communist papers.

[fol. 1320] Q. When you get these papers that you analyze for the Department, you see his name appearing on the masthead, is that it, or is it not printed there?

A. I see his name printed in both the Communist press and general press very frequently. It is a matter of general International common knowledge. Mr. Rust is not just a local figure, he is a world figure——

Q. I see.

A. —and you should know that by your experience in Spain.

Q. And you saw that paper recently, did you?

A. I saw many papers identifying Mr. Rust as editor of the British Daily Worker.

Q. I see. Well, to the best of your recollection, Mr. Witness, when is the last time you saw a copy of the paper?

A. There is nothing by which I can fix it precisely.

Q. Was it within the last six months?

A. I don't recall.

Q. Was it within a year?

A. Probably. I don't recall specifically.

Q. Was it within two years?

A. I have seen the various copies from time to time. I don't recall at this moment any particular incident that would enable me to place the exact last time I have read articles by Mr. Rust, but on frequent occasions.

Q. So you don't recall whether you seen his name on [fol. 1321] a paper, although you read the British Daily Worker frequently?

A. It is a matter of relatively frequently. Not so frequently as I read "La Vuste Mexico."

Q. Have you seen it within the last two years, a copy of the Daily Worker?

A. In my opinion, I have.

Q. And do you know, Mr. Witness, that Mr. Rust has been dead for four years; did you know that?

A. No.

Q. All right. That is how reliable your testimony is.

A. He is frequently referred to as editor of the Daily Worker in quite recent publications I have seen.

Q. You didn't know he was dead, huh? He was editor of the paper after he died?

A. He is referred to frequently——

Q. That is how reliable your testimony is, Mr. Witness.

Mr. Cercone: That is objected to.

The Court: The objection is sustained. You may tell that to the jury, Mr. Nelson.

Mr. Nelson:

Q. Now, Mr. Witness, about these secret meetings you testified about this morning, of the National Committee of the Central Committee, that you attended, did you testify that these meetings, after you were instructed through secret channels, and so forth, that they were held [fol. 1322] in Webster Hall, in New York?

A. Read that question back, please.

(Question read.)

A. Some of the meetings of the Central Committee I attended, took place in Webster Hall, to the best of my recollection.

Q. And some took place in Manhattan Lyceum?

A. Yes.

Q. And you testified, didn't you, that when people came there they were given badges? Was that in order to conceal their identity from other people? Is that how secret the meeting was?

A. It was to show their identity in the hall so that any outsider—so that any one of the public, who might have slipped in, would be spotted at once.

Q. Well, isn't it customary, Mr. Witness, that at conventions that only delegates with badges are allowed to go in, to perfectly legal meetings of unions and conventions; isn't that right?

A. The public is usually admitted in the galleries. The seats may be restricted to accredited delegates.

Q. So the meeting was so secret that they went and put badges on everybody to make sure they could hide better; is that right?

A. They were put on—we had ribbons or badges so that the security force would spot at once any press reporter, or any non-Communist, or even any Communists who was not authorized to be there.

[fol. 1323] Q. Is this Webster Hall, you speak about, a small place underground, in the Hill, or do you get into it through secret channels some way?

A. No, it is a well known hall in New York City where many, many meetings are held.

Q. What about Manhattan Lyceum; is that a secret place somewhere in a dugout?

A. The Manhattan Lyceum is a hall that rents its major hall, and smaller halls, to various organizations that pay them money to rent them.

Mr. Nelson: I see, that is very secret.

Mr. Nelson:

Q. Now, you testified at a hearing in New York City against a person known as Betty Ganett; right?

A. Correct. I testified at a deportation hearing of Betty Ganett.

Q. That was when?

A. One was about August, 1949 and one was, I believe, December of last year.

Q. And when you testified there, Mr. Witness, you were asked, were you not, what books were used at this school that you say was a secret school that you talked about there yesterday, that was supposed to have been held in California during the months of June and July, 1941?

A. In substance.

[fol. 1324] Q. And when you were asked the question, "What books were used," didn't you give the following answer? "At that school the books that were used were State and Revolution, The Communist Manifesto, but most of the instructions were oral and tactical in view of the existing International situation." Isn't that the answer you gave?

A. It sounds like, in substance, the answer I gave. I referred to the two basic text books as the Communist Manifesto and State and Revolution.

Q. And isn't it true, Mr. Witness, that in that testimony, at that time you never mentioned the three books you introduced here, the Program of the Communist International and the pamphlet by Olgen and State and Revolution.

A. I don't know whether I was asked what reading material we assigned and what reading material we used in preparing our classes, or not.

Q. Well Mr. Witness, then do you vary your testimony to suit the occasion so you can deliver the goods and make sure you get your check——

Mr. Gercone: That is objected to.

Mr. Nelson:

Q. —in order to put your point over?

Mr. Gercone: That is objected to.

The Court: Objection overruled.

[fol. 1325] A. If you will restate the question, without the insulting prefixes and contents, I will be glad to answer it. Please restate the question.

Mr. Nelson: I think the question is clear.

The Court: Read the question.

(Question read.)

A. I state the facts and facts alone. The facts are quite sufficient if they are not kept out by Communist objections.

The Court:

Q. Well, answer the question. Do you vary your testimony, or is there any variance in your testimony here or there?

A. There is no variance of my testimony. Of course, naturally any witness may recall on one occasion some detail he might not recall, but there is certainly no variance of my testimony.

Mr. Nelson:

Q. But you remembered, when you came over here, to dig up three pamphlets that weren't in circulation in the Communist movement since 1930, isn't that right?

A. I don't know three pamphlets you are talking about.

Q. Well, I will repeat them. The Olgen pamphlet.

A. "Why Communism"?

Q. Yes, and the Program of the Communist International, isn't that right?

[fol. 1326] A. That is not right, no. What is the other?

Q. And Peters pamphlet, "Manual on Organization"?

A. Peters Manual on Organization was used with a great deal of discretion, and we didn't advertise it on great display, or anything like that. Nevertheless, its principles remained true, we quoted from it in our own meetings from time to time.

The Court:

Q. Did you use that pamphlet at the school in California?

A. Yes, because it was a closed school, not a school open to the public, and only open to trusted members where we could speak very freely.

Mr. Nelson:

Q. If you couldn't have given that kind of an answer you wouldn't have been a witness here; isn't that right?

Mr. Cercone: That is objected to.

The Court: Don't answer that. Objection sustained. Well, the question you want to know is why he didn't mention those pamphlets in his testimony in New York.

Mr. Nelson: That is right.

The Court:

Q. Why didn't you mention Peters pamphlet on organization, the Program of the Communist International [fol. 1327] and Olgen's pamphlet in your testimony in New York?

A. Because I was being asked about what our text books were, that is the books we studied chapter by chapter in the schools, and these were the text books.

Mr. Nelson:

Q. And didn't you, in your present testimony here, state that these three pamphlets, with several of the others, were the main text books in that school that you claimed took place, or was held in California in 1941?

A. The substance of my testimony was, the basic text books, as I recall my answer in direct, my answer was in substance—the record will show exactly—in substance that our basic text books were the Communist Manifesto, State and Revolution, and I added that, well, a pamphlet, "Lenin's Letter to American Workers," but I didn't say that a book, a thin pamphlet, and that we used other material in preparing our lectures in assigned reading as a basis for discussion.

Mr. Nelson: Your Honor, you can see what I am up against in not having the transcript.

Mr. Cercone: Very well, you asked him a question, and the answer was responsive.

Mr. Nelson: I am not objecting to his answer. I want to confront him with his original statement here.

[fol. 1328] The Court: You can never do that in any trial, Mr. Nelson.

Mr. Nelson: Well, this is a trial of ideas and books, and I want to be precise and he ought to be precise about it.

The Court: That is the oral testimony of a witness. If you want the benefit of my notes on it, he testified as to Exhibit 165, "The Communist Party," was one of the books not used as a text book. "The Struggle Against Imperialist War," was required reading. "Why World Communism," or "Why Communism——"

Mr. Cercone: "Why Communism."

The Court: "Why Communism," circulated through the school for reading. "Program of the Communist Party" was assigned reading. "Theory of the Proletariat" international reference work. 168, I don't know what that was, it was wide circulation. "State and Revolution" was 169 Exhibit; most important text book—now, that is the extent of my notes on it, if that is helpful to you in any way.

[fol. 1329] Mr. Cercone: That is the substance of the testimony.

Mr. Nelson: Your Honor, he was asked the question what books he used and he did not include these.

The Court: All right, the jury has the benefit of that.

Mr. Nelson: That is all, your Honor.

The Court: Is that all of the witness?

Mr. Nelson: That is all.

Re-direct examination.

Mr. Cercone:

Q. I just want to ask you a few questions on re-direct. In that so much has been asked you about the money you have been paid here to testify——

The Court: Oh, he is a paid witness now; and his expenses and fees are being paid, is there anything more we want to elaborate on that?

Mr. Cercone: Well, just one thing, your Honor, that is, [fol. 1330] were there any unusual expenses involved in his testimony?

The Court: All right.

A. Very unusual in the cases, and there is going to be a very unusual case involved in my testimony here. It is costing me far more in this case than the witness fee paid me. My coming to Pittsburgh is a serious financial loss, and I would have never come had I known the Court would require me to give an answer involving this heavy financial loss.

Mr. Cercone:

Q. What is that?

A. The fact that I have to cancel my lease on my home in Miami, on my home in Washington; to rent a new home that is not known to the Communist Party, since they required me to give my address, to safeguard myself and my family from assassination.

Mr. Nelson: That is ridiculous, your Honor.

The Court: We will ask that the answer be outside of the necessity for him to change his address——

Mr. Nelson: I move for a mistrial, your Honor, this is prejudicial, he is implying that someone would do bodily harm to this individual, and it is intended to prejudice the the jury against me.

[fol. 1331] The Court: The jury will be instructed to ignore the statement——

Mr. Nelson: And I move for a mistrial.

The Court: We will instruct the jury to ignore the statement, as they will have to ignore many other statements of the parties here. We will refuse your motion and grant you an exception.

The Witness: I didn't finish. Excuse me, I didn't finish all of the question.

The Court: I think your better not answer any more of it, Mr. Crouch.

Mr. Cercone: That is all.

The Court: All right, you are excused.

Mr. Nelson: Your Honor, I believe it is the proper time for me to make a motion.

The Court: Mr. Cercone has not finished yet.

Mr. Nelson: I would like to make the motion about this witness.

The Court: All right, come forward.

[fol. 1332] (At side bar)

Mr. Nelson: This man's testimony goes beyond the dates in the indictment. He testified to matters that are alleged to have taken place ten or twelve years ago. I believe they are not relevant to the case and they ought to be stricken out.

The Court: That is practically the same motion you made concerning Judge Musmanno. We admitted it only to show intent, motive and the activity of this defendant of the period involved in this indictment. That will be explained to the jury, and the motion is, therefore, refused and an exception noted.

(End side bar)

Leonard Patterson, a witness called on behalf of the Commonwealth, being duly sworn, testified as follows:

Direct examination.

Mr. Cercone:

Q. What is your full name, sir?

A. Leonard Patterson, two T's in Patterson.

[fol. 1333] Q. Where do you live?

A. 2060 Third Avenue, New York, New York.

Q. Mr. Patterson, what is your present employment?

A. At the present time I am a public taxi driver.

Q. In the City of New York?

A. Yes.

Q. Where were you born, Mr. Patterson?

A. I was born in Wayne County, North Carolina, near Goldsboro.

Q. And what is the nature of your public education?

A. Why, I would say I had around the eighth grade grammar school education.

Q. Where did you attend school, in North Carolina?

A. Partly in North Carolina and partly in Petersburg, Virginia.

Q. And what did you do after your public school days?

A. Oh, I went to work—I went to work in Petersburg, Virginia. I think my first job was seven cents an hour in a saw mill—rather, a box factory I would say, in Petersburg, Virginia.

Q. What did you do after that?

A. Oh, I worked in the various tobacco factories there in Petersburg, Virginia. I worked in the cigarette tobacco factories; the Dunlap Tobacco factories; after that I went to work in the Petersburg Hotels; from there I went on and followed up the hotel resorts, and the Old Sweet Springs, West Virginia, and Hot Springs, Virginia, in a hotel there, I worked as a bus boy; and from there I went to New York around 1922 or '23.

[fol. 1334] Q. How old were you at that time when you went to New York?

A. Now, it would take a little figuring. I was born in 1906, and that was '23, so you can figure out how old I was.

Q. About 16?

A. Yes, about 16 when I got to New York.

Q. When you got to New York what did you do?

A. I found employment in a barber shop, as a bootblack, and I worked there for about six months, and then I went to work at a restaurant at 157th Street and Broadway. I followed that line of work—bootblack and restaurant work—up until about 1928.

Q. Now, Mr. Patterson, were you ever a member of the Communist Party?

A. Yes, I was a member of the Communist Party.

Q. Well just what posts, or positions, did you hold in the Communist Party, and will you give us the dates during which you held those positions, in chronological order as closely as you can give it?

A. Well, I had a dual membership. I had a membership in both the Youth—the Youth Communist League and the Communist Party, so it might be a little complicated.

Q. Well, you mention those two terms. Now you mention the Youth Communist League and the Communist Party, so will you tell us what the difference is there?

A. Well, there is no fundamental difference; just that I was a youngster when I joined and most of my activities were in the Youth movement. In fact, I was in the Young

Communist League before I went actively into the Communist Party.

Q. All right. Now, you give us the positions you held in [fol. 1335] both the Young Communist League and the Communist Party, and the dates.

A. In 1928 I joined the Young Communist League in New York City. In 1929 I was elected a delegate to the Communist League in New York; I was elected a delegate to the National Convention held in New York City in 1929. After this National Convention I was elected a member of the National Executive Committee of the Young Communist League, and I remained a member of such until 1935. 1930 I was assigned as a special representative of the National Committee of the Young Communist League to the Philadelphia District and mainly I worked in the District of Columbia, in Maryland, with the purpose of building that into a District of the Young Communist League; that was one of the sections of the Philadelphia District at that time. When I completed that, around about Christmas of 1930, I came here to Pittsburgh as a special representative from the National Committee of the Young Communist League to assist in the concentration work of the Pittsburgh District, and the Pittsburgh District was the No. 1 District of the Communist movement in the United States. And I stayed here until about six weeks—six to eight weeks—mainly I worked in Monessen, Charleroi. Simultaneously I also aided in the District generally, and I worked some in Aliquippa, Ambridge, McKees Rocks, McKeesport, East Liberty and in Pittsburgh proper. And when I finished this, after a period to six to eight weeks, I returned back to the National Committee for additional assignment. Then [fol. 1336] I was given an assignment by Tony Menarich, that had recently returned from Moscow—Moscow, Russia—at the request of the National Committee of the Young Communist League; I was given the assignment——

Mr. Nelson: Your Honor, how long is this going to go on?

Mr. Cercone: As long as it will take——

The Court: He is qualifying himself to testify here as to the purposes and policies. Is that what you want him to do, Mr. Cercone?

Mr. Cercone: Yes, your Honor.

The Court: All right, we will hear it.

A. I was given an assignment then as District organizer of the Philadelphia District of the Communist League.

Mr. Cercone:

Q. District organizer for the Philadelphia District?

A. Of the American Communist League, and at that time I began—that was 1931, the early part of 1934—at that time I already was a member of the Communist Party. Then I began to hold leadership in the Communist Party. And I was a member of the District Committee of the Communist Party and a member of the District Bureau—the highest [fol. 1337] body in the Philadelphia District—and the gentleman that just objected, he also was a member of the District Committee, right along side of me, in the Philadelphia District.

Q. That is this defendant here?

A. Yes, Mr. Steve Nelson.

Q. He was a member of the District Committee——

A. The Philadelphia District, District No. 3 of the Communist Party. We were District Committee members at the same time.

The Court:

Q. When was that?

A. 1931, the early part of 1931. Now, that is the most important post I held. I held many more.

Mr. Cercone:

Q. Briefly, what are the others?

A. Well, I held the post of Special Organizer, for example, of the Philadelphia water front; I was Special Communist Organizer in Philadelphia. I was the Chairman of the National Negro Youth Commission; I was a member of the Negro Commission of the Central Committee of the Communist Party, U. S. A.

Q. A member of the Negro National Commission?

A. Yes, of the Youth, and was a member of the Central Committee Commission at the same time. I also was a

delegate to the Trade Union Educational League Convention in Cleveland in 1929; was a student to its National [fol. 1338] Training School; was a member of the District Committee and District Bureau of the Young Communist League of Chicago District, District 9, I believe, around 1929 and the early part of 1930.

The Court:

Q. When did you disassociate yourself with it, if you ever did?

Mr. Cercone:

Q. When did you leave——

Mr. Cercone: Is that what you mean, your Honor?

The Court: That is right.

A. In 1937, I would say the last part of the summer or early fall of 1937.

Mr. Cercone:

Q. Now, you say in 1929 you attended as a delegate to the National Convention of the Youth Communist League?

A. Young Communist League.

Q. Where was that?

A. Held in New York City.

Q. Who was present at that convention?

A. Well, at that convention we had delegates from all over the United States, and fraternal delegates from Mexico and Canada, and we had a direct representative, which was the boss of the convention, from the Young Communist [fol. 1339] International out of Moscow, Russia, William Russ.

Mr. Cercone:

Q. William Russ, he was at that convention?

A. Yes.

Q. And he came from Moscow?

A. That is right.

Mr. Nelson: That is objected to, your Honor. This man can't testify to that. It is obvious it is a British name.

Mr. Cercone: He testified that he came from Moscow.

The Court: Well, you asked him if he knows that, how he knows that.

Mr. Cercone:

Q. How do you know that, Mr. Patterson?

A. William Russ was assigned to the Communist International for work from the Young Communist League of Great Britain, and that was the policy, the Young Communist International was made up of the Communist Party of the Young Communist League from respective countries, and William Russ was one that was assigned for that special work in Moscow, and he was sent here as a representative, just like Gearhart Eisler, that was a member of the German Communist Party was sent to work in the Com-[fol. 1340] munist International in Russia, and was sent here as a representative from the Communist International to the Communist Party.

Mr. Cercone:

Q. What role did William Russ play at that convention?

A. William Russ played two very important roles. For example, we had the question of electing of a National Executive Secretary——

Q. Just briefly, did he direct the——

A. He directed and controlled the whole policy of the meeting.

Q. Now, you say you went to Cleveland later on?

A. Yes.

Q. What did you do there?

A. First, I was a delegate——

Mr. Nelson: Did he say that? That is objected to.

Mr. Cercone:

Q. Did you testify to that?

A. Yes. I went to the T.U.L. Convention, I was a delegate in 1929, was one of the founders of the what later became the T.U.L. And after that was over I went for a course at the National Training School, held in Cleveland, from about six to seven weeks—the National Train-

ing School of the National Communist League for further training.

Q. And what was done at that school?

A. At that school we was taught the very essence of [fol. 1341] Communism; from the A B C of Communism up to the overthrow of capitalism, smashing the present forms of government, setting up a dictatorship for the proletariat.

Mr. Nelson: That is objected to.

Mr. Cercone:

Q. All right, did——

The Court: Well now, just a minute. The objection is what, to the question and answer, is that what you are objecting to?

Mr. Nelson: Yes, your Honor.

The Court: On what basis?

Mr. Nelson: He is making a comment and giving opinions instead of testimony.

The Court: I thought you were objecting because you were not at the school, had no connection with it, is that your objection?

Mr. Nelson: That is my other objection.

The Court: Well, I'm not going to permit him to testify to that sort of things, but your interpretation on these matters, and if it was at a school of which you were not in attendance, I will sustain your objection. Strike out [fol. 1342] the last question and answer unless you can demonstrate that Mr. Nelson participated. But, let me direct your attention to the fact that you are getting back beyond the point where I am going to permit you to testify as to policies, and so forth. I let you do it in the case of Mr. Crouch because his testimony was within at least ten years of this, but, going back to 1929, 1931, 1935 or 1937, I will sustain the objection.

Mr. Cercone: Unless there is a connection with this defendant?

The Court: That is right.

Mr. Cercone:

Q. Now, when did you first meet Steve Nelson?
A. I met Steve Nelson around 1930.
Q. Where did you meet him?
A. I can recall meeting him at the Party National Convention held in New York City.
Q. All right now. Did you say that you were both members of the District Committee for Philadelphia, District No. 3?
A. Yes.
Q. And what occurred there, around 1931, which in-
[fol. 1343] volved both you and the defendent?
A. Well, we both as members of the District Committee we was both leaders of that district, that is the first thing; and then about June or July we both was selected at that District Committee, recommended as candidates for students at the International Lenin's school to be held at Moscow Russia?
Q. Did you two go to the school in Russia?
A. We did.

Mr. Nelson: Objection.
The Court: Objection overruled, exception noted.

Mr. Cercone:

Q. When did you leave for that school?
A. We left for that school sometime about the—I guess around about the middle of August. I know we landed in London August—I mean in South Hampton, England, August 30, 1931, and the Majestic was supposed to take about five days at that time.
Q. When did you arrive in Moscow?
A. Oh, let's see now. We stayed five days in London, and then we had taken the Russian ship and went in to Hamburg, and stayed there overnight; and then from Hamburg to Leningrad and in Leningrad we stayed there overnight; and that next day we went in to Moscow. So, I guess around a period of seven or eight days after we left London.
Q. Now, was Nelson, this defendant, with you all the time?

[fol. 1344] A. Yes, we went over on the same ship.

Q. Where did you go when you arrived in Moscow?

A. We was driven to the dormitory of the Lenin school.

Q. And what occurred there?

A. Well, we was assigned temporary quarters that night, and then we was called the next day to a special meeting, as there had been a little trouble on the way over there. We had a meeting to take up charges and counter-charges.

Q. Was the defendant involved in that?

A. Yes.

Q. What was that?

A. Well, you see, the defendant, together with certain other students—there had developed some antagonism between the white and colored students, and the colored students they banned together to fight against that, and there came a very serious question, and Nelson together with some others, when they got to Moscow ahead of us, they had connections there and we didn't—they made connections—came up to present charges against us, but we had already had our secret meeting also, and we countered with additional charges.

Q. Just what was the nature of that?

A. Well, it was the nature—

Q. Did it involve discrimination, or what?

A. Well, I wouldn't say definitely discrimination. It just was that they showed a superiority complex that we resented.

Q. What was done?

[fol. 1345] A. It was discussed and ironed out and a resolution drawn up, showing that both sides had made mistakes and was wrong.

The Court: Let us not get into that any further.

Mr. Cercone:

Q. What was done at the school?

A. The next day the students was called together for the purpose of beginning organization, and the students was called in separate rooms, broken up in small groups, and was told to select certain aliases, different names. In other words, forget that you was Brother Patterson——

The Court: Excuse me. Step by step their activities over there. There is only one purpose in that, that is to throw light on the interpretation of any of this literature; if there was anything done in that respect, fine. But, I am not going to get into all the details of the activities of the defendant, or this witness in that school over there.

Mr. Nelson: Your Honor, I move to strike the testimony.

The Court: Well, I will not permit any more. I will not [fol. 1346] strike what has already been said, but there is only one purpose in this, that is to show any light on the interpretation to be placed on this work by this defendant.

Mr. Cercone: May we approach the bench?

The Court: Very well, come forward.

(At side bar.)

Mr. Cercone: We propose to show what was the idea taught, and the aims and policies of the Party in the United States, even outside of the books.

The Court: That is what I am saying. Bring out the instructions this defendant received over there.

Mr. Nelson: I think that the testimony of this witness, regarding this so-called discrimination would be prejudicial, and that was something that never happened.

The Court: We will strike that out and tell the jury to ignore that.

(End side bar.)

The Court: The motion of the defendant is granted and [fol. 1347] the jury is instructed to disregard that testimony. Proceed on the limited basis.

Mr. Cercone:

Q. Now, did you attend classes in the school?
A. Yes, I did.
Q. And did this defendant attend classes there?
A. He did.
Q. Now, what was taught there in regards to the aims and policies, to the students——

Mr. Nelson: Objection.

The Court: Objection overruled. Exception noted.

Mr. Cerconé:

Q. —in regard to their activity here in the United States?

A. Well, we was taught there that we must come back to the United States and take the knowledge that we obtained in the school there and put it into liberal reality. We must go into the steel mills and organize the workers there in the steel mills, and unions where there was no unions, and where there was unions we must organize opposition groups in those unions, to carry out Communist policies; and we must bring those most active ones into the Communist Party; we must organize defense committees in factories, steel mills, on the ships, for the support of the Soviet Union; [fol. 1348] we must prepare for general strikes as the most effective weapon short of revolution. And that we must——

Q. Did they tell you just how that would be effected?

A. Yes.

Q. How?

A. In the event that there would be a war between the Soviet Union and United States, and if we had the workers organized in the steel mills, and the coal mines, and in the various water fronts, that we could cripple the industry; we could cripple the war production, and that we could tie it up.

Mr. Nelson: Objection.

The Court: Objection overruled, exception noted.

A. —and that we would be able to accomplish our aim, that is, support the Soviet Union against the United States, providing there would be a war.

Q. Were you taught the aims and policies of the Party right in the United States?

A. Yes.

Q. What was to be done?

A. I didn't get the question, please.

Q. Were you taught what was to be done right in the United States, by you and the students?

A. Oh, yes. We was taught that our first job was to organize against our own government, and was to criticize any [fol. 1349] weaknesses of our own government; and to organize our ultimate aim, which was destruction of this government and establishment of the Soviet Government.

Mr. Nelson: Move to strike.
The Court: Motion refused, exception noted.

Mr. Cercone:

Q. Was anything said there about the armies of Russia pporting this?
A. Yes.

Mr. Nelson: Objection.
The Court: Objection sustained as leading.

A. We was taught——
Q. Did they tell you how this was to be brought about ere?
A. Let me get the question now.
(Question read.)
A. Yes.
Q. How?
A. That it could be done only through a proletarian revo- ion, and that meant force and violence; that would mean t we would have to organize the American people within. Army, the factories, the mills, the ships, the docks, the employed, the employed, and prepare them for that stage. [1350] That is why we, as students—that is why we s sent to the Lenin school to be trained to come back and in others to obtain this goal; and we was told that in the nt that such a revolution would take place, that we would stand alone; that the Red Army of Russia was not only Red Army of Russia, but was the Red Army of the ld——

Mr. Nelson: Objection.
The Court: Objection overruled.

A. And that has been prov[illegible] in Spain, and is being proven Korea today that I am correct.

The Court: Never mind the explanation.
Mr. Nelson: Move to strike.
The Court: Strike out the last remark.

Mr. Cercone:

Q. Did you have any instructions, other than the class k?

A. Yes, we had military instructions.

Mr. Nelson: Objected to, Your Honor.

The Court: Objection overruled.

Mr. Nelson: Well, may we approach the bench, Your Honor?

[fol. 1351] The Court: Come forward.

(At side bar.)

Mr. Nelson: I would like to have an offer on what he intends to prove by his questions.

Mr. Cercone: The instructions he received to hold the United States government in hatred and contempt, and the course of conduct, which we will prove that the defendant carried out through and during the period in the indictment. You can't just start out on August 31, 1948.

Mr. Nelson: That goes back to 1920 and 1930.

The Court: We will permit you to show that within limitations.

Mr. Nelson: That is objected to, your Honor.

The Court: Objection overruled and exception noted.

(End side bar.)

The Court:

Q. Was that the extent of your instructions over there, [fol. 1352] what you received on these ideas and philosophies, in the class room?

A. You asked me a question?

Q. Yes.

A. What I testified here?

Q. Yes.

A. That is part of it.

Q. What is the other part?

A. There is many mor if I am allowed to tell them.

Q. We don't want any details on it. Just the general pattern.

A. I am only telling the truth.

Q. We are not ruling on that. We are just limiting you in the details which you are permitted to give.

A. I see. Well, you kind of got me balled up. There is so much that I was told to do. I don't know what the limit is. For example, I was instructed how to capture a

y. I had, for an example, specific training in the mili-
y problems, just like I had when I was in the Army
re, before I had military problems. So, I don't know
ich one you want. Can I divide them up?
Q. We don't want any details concerning any one. You
eived instructions, you say, how to capture a city, and
had instructions on maneuvering, and anything else
a general fashion you were instructed in.
A. I had target practice on the rifle range. I learned
to handle machine guns of different countries.

Mr. Cercone:

l. 1353] Q. Was this defendant instructed the same?
. Yes, him and the other students, right along together.
Q. Both as to the class work and outside work?
. That is right.

Ir. Nelson: Objection.
he Court: Objection overruled, exception noted.

Mr. Cercone:

. What else was done in a military way, military train-
?

. Well, we had special instructors from the Red Army.
fact, my instructor was just recently returned from
ia, and he gave us the theory and gave us the tactics
told us about the Molotov cocktail way before it was
put in force in Germany.

r. Nelson: Objection, your Honor.
he Court: Objection overruled, exception noted.

Mr. Cercone:

Now, how many students were in the body that left
you for Russia?
I think around about 20 or 22 was in my—went over
he ship with me, but the student body was larger than
from America.
Who were some of the students, just briefly?
Leonard Patterson, Steve Nelson, Charlie White,
[1354] William Knoll, Mary Dalton, Beatrice Siskin,
many others.

Q. Now, you say you left the Party in 1937?
A. That is right.
Q. And why did you leave the Party?
A. I finally became convinced, and this is serious——

The Court: No, no, not why he left the Party. We are not concerned with that Mr. Cercone, unless it has something to do with this defendant.

Mr. Cercone:

Q. All right, how long did you stay there at the school?
A. Between 10 and 12 months, around that time.
Q. Did this defendant return with you?
A. No.
Q. What did he do?
A. He remained over for a special course.
Q. What was that course?
A. Espionage.

Mr. Nelson: Objection.

Mr. Cercone:

Q. How do you know that?

The Court: Just a minute. Well, how do know that? [fol. 1355] A. Because every year certain amounts of students were held over for that particular course.

Mr. Cercone:

Q. Were you told that in the school?
A. Yes.

The Court: Objection sustained. We'll strike that from the record.

Mr. Nelson: This means that he is permitted to put an opinion in his testimony that is not a fact.

The Court: Well, we will strike it from the record and the jury will ignore the statement.

Mr. Cercone:

Q. When did you see Nelson next, after you left school?
A. I think it was around about 1935.

Q. Where did you see him?

A. In the Philadelphia District.

Q. As a member of the Party at that time?

A. Yes, I was a member of the District Committee at that time, and he came back and was reassigned to the District Committee, and also again on the District Committee.

Q. Just what was the work of the Committee at that time when you and Nelson were on it?

[fol. 1356] A. Well, the same as before.

Q. Who paid the expenses for this trip over there?

A. The Communist International.

Mr. Nelson: Objection, your Honor.

The Court: Overruled, exception noted.

Mr. Cercone:

Q. And did you study any particular books in the class there, you and the defendant?

A. We did.

Q. What were some of them?

A. We studied Marx Capitalism, Stalin Leninism; Renegade Kowski; Theory and Practice; The Communist; the Emprico and many others.

Mr. Cercone: Cross-examine.

Mr. Nelson: May we have a break?

The Court: Yes, we will recess for ten minutes.

Recess.

After Recess.

[fol. 1357] (At side bar.)

Mr. Nelson: I believe this man's testimony ought to be stricken, your Honor. It goes back 16 or 17 years ago to things that happened ostensibly at that time, and he is another professional witness. He goes around testifying and gets paid for it, and consequently twists things to suit the prosecution, and he manages to sneak in things that go into the sphere of espionage, and if they were true

I believe the proper body of the government would have acted before this. I don't think his testimony should be permitted to stand, your Honor.

The Court: The age of the testimony will be told to the jury and I think we will let it stand. You can develop any facts you care to. We will rule the same as we did in the testimony of Witness Crouch.

Mr. Nelson: One more motion, in view of the fact that he alluded to espionage——

The Court: We did rule on that; it was stricken out.

Mr. Nelson: The point is that this man said certain [fol. 1358] things before the jury and can't be automatically shut off, and he was sprung as a surprise witness without giving me a chance to collect certain material so I can cross-examine him properly, not being a lawyer. I would request the Court to permit me to call him back on the stand when I get such material necessary.

The Court: Let us cross-examine him now and we will ask him to return tomorrow morning.

Mr. Nelson: All right, your Honor.

Mr. Cercone: The only objection we have is that he be restricted to the direct examination.

The Court: We have ruled on it.

(End side bar.)

Cross-examination.

Mr. Nelson:

Q. Mr. Witness, how many cases did you testify in of this type?

A. I guess about a half dozen or more.

Q. A half dozen?

A. I would say, maybe a little more, around six to eight cases, I guess.

[fol. 1359] Q. Over what period of time?

A. I think I made my first testimony in either '48 or '49, up until the present time.

Q. And where were these hearings or trials; what City?

A. Well, I testified in the Anna Block case twice in Detroit.

Q. I asked just about the places and the time. I didn't ask about who it was you testified against.

The Court: You don't want to know the name of the case, just where and when?

A. In California and in Frisco, and I think it was in '49.

Q. Can you place the month?

A. In July, I think.

Q. Was that an immigration hearing?

A. Yes.

Q. And then?

A. Pittsburgh, I believe in August of the same year.

Q. Also an immigration hearing?

A. Yes.

Q. And the next one?

A. I haven't kept no record of them. So, I am just thinking of them as I can. I may not be giving them to you in rotation. Last year I testified in Minnesota, either in February or March, I think.

Q. And what was the last one you testified in before you came here; where, I mean?

[fol. 1360] A. That was about two to three weeks ago in New York City; immigration. And the Teacher's Trial in New York, I believe it was in '49, in the summer.

Q. And when you testify, how much do you get paid a day?

A. Well, I get paid as an expert witness, say $25.00 a day, and if I am out of town I get my expenses, which is per diem of nine.

Q. $25.00 daily fee and $9.00 for your expenses?

A. That is right.

Q. And there was a time, you said, I believe in the beginning of your testimony, that you worked in a certain factory for nine cents an hour, didn't you?

A. I said seven.

Q. Seven?

A. Yes.

Q. I see, quite a jump?

A. Quite a jump in times since then, too.

Q. How much money would you say you earned testifying in these cases, altogether?

A. I don't know. I would say I don't make nothing on them.

Q. Do you lose money?

A. I guess I break about even. I have expenses going on at home now, and I am away from the job. I have to pay expenses for my family there and I am paying expenses here.

Q. And where are you employed at the present time?

A. I am employed in New York City as a public taxicab driver.

[fol. 1361] Q. How long have you been employed on that job?

A. I have been driving a hack there since 1945.

Q. Since 1945?

A. Uh-huh. Off and on. I take a vacation sometimes.

Q. Are you a member of a union?

A. Yes.

Q. The taxi driver's union?

A. Well, we are building one now. It is in the initial stages. By the way, I have my card in my pocket.

Q. Where did you work before that?

A. From 1935, excusing the time I was in the Army, I worked on the Philadelphia water front as a longshoreman in the ship hold, up until 1945, except the time in the Army, and about a year in the shipyard.

The Court:

Q. How long were you in the Army?

A. Ten months.

Mr. Nelson:

Q. You testified, I believe, that you left the Communist Party in 1937?

A. Yes, around that time.

Q. Under what circumstances did you leave the Party? Weren't you expelled at that time from the Communist Party?

A. No, no, I quit.

[fol. 1362] Q. Were there no charges against you for drunkeness?

A. No, I made the charges.

Q. Were there no charges filed against you in 1931 in the Philadelphia District, that you were drunk?

A. There never was no charge against me. In fact, they kissed my foot and begged me to come back.

Q. That is your story?

A. That is yours.

Q. Isn't it true that charges were brought against you, that you were behaving in an unbecoming way because the provisions of the Communist Party constitution states that drunks cannot be members of the Communist Party?

A. Never was a charge against me in the Communist Party; never was a written charge. Now, if you want to know why I left—I tried to explain awhile ago and you objected to it.

Q. I will ask my questions, Mr. Witness, and you will answer them.

Mr. Nelson: Your Honor, I am going to accept your ruling that we continue the examination of this witness until tomorrow morning.

Mr. Cercone: That ruling was at the end of the first day.

The Court: No, not at the end of the first day.

[fol. 1363] Mr. Cercone: There is no reason why he should be given special privileges, no one else gets them in these trials.

The Court: We are going to afford him the privilege of calling this witness to complete his cross-examination.

Mr. Cercone: The direct examination only took a short time. There is nothing that he has to look up the record on.

The Court: We have stated to him the [illegible] might gather his information with which he might confront the witness. We will stick to our ruling. If there are no other questions now we will ask the witness to return in the morning. We will ask the witness to wait over night.

Mr. Cercone: It is an added expense to this man and an added expense to the Commonwealth and we still have one hour and a half before time to adjourn.

The Court: I appreciate that.

Redirect examination.

[fol. 1364] Mr. Cercone:

Q. Since you were asked why you left the Communist Party, will you tell us, please?

A. Yes.

Mr. Nelson: I didn't ask him that.

The Court: He has a right to explain, Mr. Nelson. You asked if he was not ejected from the Party by reason of drunkenness and he said no. He has a right to explain. The objection is overruled, exception noted.

Mr. Nelson: He answered my question, your Honor, even though he didn't give the truth. I don't see how he can go into this now on re-direct.

The Court: Well, he has a right to explain his own situation, and we are going to permit him to do so. Objection overruled and exception noted.

A. Thank you, your Honor. I left the Communist Party, not because I was a drunkard. The Communist Party thought so much of me that they spent thousands of dollarse to try to educate me on Communist lines. Why I left the Communist Party, I was convinced over a period of time, seriously thinking——

[fol. 1365] The Court: No, we don't want you to get into your personal reasons of any analysis of the policy of the Party. If you left voluntarily, without any reason either way, why you may explain that. I am not going to let you elaborate and explain that you were converted to some other theory, or anything like that.

Mr. Cercone: Your Honor, this defendant has accused this man of a very serious charge, and he has a right to explain why he left.

The Court: He did explain, and I am giving him leeway, but we are not going to have an analysis of the policies of the Party by this witness.

Mr. Cercone: Well, we don't expect him to give an analysis.

The Court: He is beginning to say he saw this, or that. He voluntarily left and he may testify to that, and that will be all that is necessary.

Mr. Cercone: You mean without giving the witness an opportunity to tell why?

[fol. 1366] The Court: That is right. If it was voluntary on his part, that will be all that is necessary.

Mr. Cercone:

Q. All right, Mr. Patterson, [illegible]ns.

A. You are putting me in a very funny position.

The Court: Well, if you want to come forward and explain to me, Mr. Cercone anything of consequence along that line, in fairness to the witness, I will be glad to change my ruling.

(At side bar.)

Mr. Cercone: These questions are typical of Communist tricks.

The Court: Now, Mr. Cercone, don't say that.

Mr. Cercone: They are, your Honor.

The Court: I don't care whether they are.

Mr. Cercone: I would like to ask the witness why he left the Party.

The Court: No, you may argue to the jury if you want, but you are not going to put it in before the jury by this witness. The basis of asking the question is not proper [fol. 1367] and is not relevant. This witness was asked why he left the Party and I refuse to allow him to go into explanation and an analysis of why he was converted. The defendant asked him whether or not he was not discharged on charges of drunkenness and he said no. Now, he has stated that he left the Party voluntarily, and has denied that there were any charges brought against him. We do not want him to go into any analysis as to why.

Mr. Cercone: I don't want him to go into any analysis, but I do believe he should be permitted to explain.

The Court: We are going to limit his answer.

(End side bar.)

The Court: If you want to ask the witness a question, or consult with him concerning our ruling, you may, Mr. Cercone.

Mr. Nelson: Is this proper, your Honor.

The Court: I am telling him to instruct the witness on [fol. 1368] our ruling.

A. Your Honor, I left the Communist Party because I knew the Communist Party did not represent the people; it wasn't for the working people; that the Communist Party had a program on paper for one thing, and it did nothing, and I wasn't interested in any longer being part of any Party like that.

Mr. Cercone: That is all.

CHARLES H. WHITE, a witness called on behalf of the Commonwealth, being duly sworn, testified as follows:

Direct examination:

Mr. Cercone:

Q. What is your full name, please?

A. My name is Charles H. White.

Q. Where do you live, Mr. White?

A. I live at 141 West 127th Street, in New York City.

Q. What is your present occupation?

A. I am employed by the New York City Subway as a railroad clerk for the past ten years.

Q. For the past ten years?

A. Six years on a one man trolley car operator, and four years as a clerk.

[fol. 1369] Q. Where were you born, Mr. White?

A. I was born in Georgia.

Q. What is the nature of your public education?

A. I attended grammar school at Cincinnati, Ohio; and then I attended high school—Wilbert High School, Cincinnati, Ohio; I had further education in the International Lenin School and then some other small schools for typing, and comptometry, and shorthand.

Q. Are you married or single?

A. I am married.

Q. Do you have any children?

A. I have one child.

Q. Now, Mr. White, have you been a member of the Communist Party?

A. Yes, I have.

Q. When did you first become a member?

A. I joined the Communist Party in Cincinnati, Ohio in 1930.

Q. And what positions or posts have you held in the Communist Party and if you have so held positions; will you give the dates in the chronological order?

A. In 1930 I was a member of the Communist Party, assigned to organize the Young Communist League in Cincinnati, Ohio; and then I became a member of the District Committee of the Young Communist League, and I was elected as a member to the International Convention of the Young Communist League; that was 1930, or 1931. I returned to Ohio and I was assigned to organize a National [fol. 1370] Youth Day celebration, which was an official holiday conducted by the Communist Party and the Young Communist League at that time, May, 1930. I later participated in the Ohio State Hunger march which was organized by the Communist Party, through its subsidiaries——

Mr. Nelson: I move to strike them, your Honor, that is a matter of opinion.

The Court: Yes; unless he can name them.

The Court:

Q. What is the name of them?

A. The Unemployed Council.

Q. How was that an affiliate of the Communist Party?

A. It was organized by us, because I was assigned to help organize it.

The Court: All right. Objection overruled, exception noted.

Mr. Cerone:

Q. All right.

A. I was then selected by the District Committee of the Communist Party and the District Committee of the Young Communist League as a candidate for the International Lenin school, and I was told to be prepared to spend

about 18 months abroad, undergoing strenuous study on the Party program policy. I was given my fare to New York [fol. 1371] City and I was told that I should go down to the sub-Treasury Building and get my passport, to be ready to leave at any time. From that moment on I was a student and I went to—by way of South Hampton, on board the White Star liner Majestic; I went to South Hampton, which was in March, 1931, or September. From there to London, and from London, by Soviet steamer to Hamburg, Germany, and continuing this journey until I reached Leningrad, Soviet Russia. From Leningrad we were met by a delegation and they took us by either bus or train to Moscow—I believe it was by train.

Mr. Cercone:

Q. On this particular trip did you meet a Steve Nelson?

A. My first clear recollection of Steve Nelson was in Moscow. That is my clearest recollection of the first time I saw him.

Q. Is that Steve Nelson in the court room this afternoon?

A. Yes, he is here.

Q. Will you point him out, please? Just from where you are.

A. This gentleman right here, with the glasses on.

Q. This man across the table from me, here?

A. Yes.

Q. Did you attend classes there at the International School in Leningrad?

A. Yes, I did.

Q. Did this defendant attend classes with you?

A. I was not in his particular classes. He was in a separate group. We belonged to the same student body, and [fol. 1372] we did some practical work together, which was not class room work.

Mr. Nelson: That is objected to.

The Court: Objection overruled.

Q. How long did your class continue in Moscow? How long did you attend as a student?

A. Approximately ten months the course was cut short; that is, including other outside activities; there was ten months altogether I was there.

Q. In the class, did you use books to study?

A. Yes, we used many of those books.

Q. What books did you use?

A. Karl Marx's Capital; Lenin's State and Revolution; Stalin's Volumes; Collected Works of Lenin; books by Fredrich Engel; Lenin's Imperialism Criticism; the Theory and Practice of Organized Armed Rebellion.

Mr. Nelson: That is objected to, are they the titles of the books?

A. They are the titles as near as I can remember them, The Strategy and Tactics of Armed Uprising. We studied Buchard's——

Mr. Nelson: That is objected to. I think the book should be introduced.

fol. 1373] Mr. Cercone:

Q. I didn't get the last answer.

A. Buchard's Dialectical and Historical Material.

Mr. Nelson: That is objected to.

The Court: We will rule on your motion to strike these books. We will strike these books from the record that are not in evidence.

Mr. Cercone:

Q. I show you Commonwealth's Exhibit No. 169 and ask you if this is what you have referred to as having studied there?

A. Yes, "State and Revolution," is this book.

Mr. Nelson: That is not the one he was talking about.

The Court: Is that different from Strategy and Tactics, and Armed Revolt?

A. It was a mimeographed brochure. It wasn't a text book like the others. They turned them out on a mimeograph machine.

Mr. Cercone:

Q. All right now, you say you attended some practical work classes with this defendant?

A. Yes, sir.

[fol. 1374] Q. Will you tell us what they were, briefly?

A. The practical work consisted of students being divided into groups, and going among the Russian people, to tell them what horrible lives Americans were living. To tell them about the 16 million unemployed and to convince them that Russia really was a workers paradise. It was our job to make speeches to Red Army units; to collective farms; to schools, and to workers during their lunch hour in shops. The journey that I recall most vividly, which the defendant went along, was down the Volga. It lasted for a month or two. We stopped at Stalingrad, where we visited the Stalingrad Tractor works; we stopped at the German Soviet Republic, at that time, in Russia. We visited the Tartar Republic; we visited the birth place and home of Lenin. We went to the Arislovsky, where there were great textile works.

Mr. Cercone:

Q. Speak a little louder, please?

A. We went to meetings at the Russian factories, and the managers in turn asked us for suggestions on how to improve production, and they usually had a banquet where everybody was congratulated on the growing coming American revolution, and a conviction that it would be a success. The defendant was present on these occasions.

Mr. Nelson: I move to strike.

[fol. 1375] The Court: Motion refused. Exception noted.

Mr. Cercone:

Q. What actual instruction did you receive in the school with regard to the aims and policies of the work of the Communist Party in the United States?

A. Our job in this country was to disorganize the economy of the country; to bring as near economic collapse as possible through becoming active in different labor struggles, and raising certain issues which would cause the unrest

grow and become explosive. We were, among other ings, instructed on how to organize the poor share crop- rs in the South—the share croppers' union. This was signed to disrupt the agriculture of the economy of e country and thus threaten its well being. Our principle ject was not to win strikes, or any of these struggles. ir object was to disillusion the American people in the nerican form of government and American form of mocracy, and to cause them to wish to abolish it. We ere instructed to colonize young people into the armed rces. By colonization it meant that we were to send them to the armed forces and they were to work as a unit there. e were also to colonize young people in such places as e Boy Scouts of America, and to send students into col- ges to organize national student organizations, namely e National Student Union. We were told to particularly mphasize the right of the Negroes in the South; to sep- rate from the United States and set up a separate Black public. This was called "self-determination". The

program for separating—for fragmentizing the untry in the South, and setting up a Black Republic was signed to cause as much bloodshed as possible, and dis- ity in the country.

Mr. Nelson: Objection, your Honor.

The Court: Well, that is his opinion and the jury will derstand that it is his opinion as to what was taught. jection overruled exception noted.

A. There were other instructions and they were of a litary nature. We were taught how to use sub machine ns at the Frantz military district. We were taught——

Mr. Nelson: Objection.

The Court: Objection overruled.

A. —to fire small arms from all of the different countries Europe and America. There were American type weap- s; Dutch type. There were French type weapons and ssian type weapons and English type weapons. Some re heavier than others. The rifle range was conducted Russian officers. Then there were special classes where map of a City would be set up and a topographical form a small scale, and we were taught how to destroy this

city, or take it. The first and most important point of concentration was to seize communications, that means, rail [fol. 1377] roads, buses, street cars, aircraft, and also waterways. This was to be the chief point of concentration. And the second point was communications like telegraphs and telephones and the mails. We were also thoroughly instructed to be sure we controlled the water supply of the City, that this was vital, and if it couldn't be held it was to be destroyed—it was not to be left for use of the anti-Communists, who would be opposed to us. We were also told that in case of great danger and great difficulty, if we asked for it, the Red Army would come to our assistance.

Q. Here in the United States?

A. In the United States. We were told that technically and they would do it materially. We were told that the Red Army was a world Soviet Army; it was not a national army of the Soviet Union, but it was international in form, and that the Red Army was loyal to all the Communist movements in all countries, and that it would help them if we needed help in a difficult hour.

Q. Did you receive any instructions what the Communist members in the United States should do in event of a war between the United States and the Soviet Union?

Mr. Nelson: Objection

The Court: If it included the defendant, you may give it. If not, we will sustain the objection.

[fol. 1378] Mr. Cercone:

Q. If the defendant was present in the class.

A. Yes. This was a very important plan in our steps. We were told definitely that the enemy was at home. In the event of a conflict with the Soviet Union, we were to turn our guns against the armed services of the United States and to disrupt this military organization, and its economic organization, and to cause diversion so that the country's supplies would be crippled, and the military operations would be hampered. We were told that general strike was one of the first steps to take in order to arrive at this end. For that purpose we were given five points of concentration in this country. The Pittsburgh area,

considered the most important because of its steel
coal.
. Before you go into the other points was Pittsburgh,
ff, specifically mentioned in this school at Lenin?
. It certainly was.
. Was this defendant present at the time?
. He was present.
. All right.
. We were told to concentrate in Cleveland for auto
biles, auto parts, the potential tank manufacturing
nts. We were told that the water front concentrations,
ng the East coast, were very vital and that we should
to get in control of the unions there so that we could
military supplies or disrupt them. We were told
1379] that we must have prepared a dual organiza
so that if one was discovered and destroyed that we
d continue to operate, and the instructions were that
e must be two District Committees and sometimes
e, in case one is destroyed or discovered, we can con
e to operate by courier and secret meetings. We were
that directions at meetings were to be given out at
last moment; that no one was to know it until the last
ute. We were told that there would be either one
nore national committees and that one would be under
nd at all times, and one would be legal. And we
e told to organize an extensive courier system, by
senger, so that we would not have to trust confidential
erials to the mails. This was especially true about
armed services, where we had an organization, which
completely divorced from the main organization in
country—it was a completely secret operation.

Mr. Cercone:

Now Mr. White, just as briefly as you can, since you
tioned the term "courier system" here in the United
es, as used in the Communist Party, will you explain
t that is?

r. Nelson: I ask that that be stricken.
he Court: Motion refused.
r. Nelson: I object to that. First of all he asked what

the policy was in the United States. He is not qualified [fol. 1380] to testify on that.

The Court: I didn't hear that question put to him.

Mr. Cerčone: I didn't say that.

Mr. Nelson: I would like to have the question read.

(Question read.)

The Court: All right. What was it then?

Mr. Cercone:

Q. Speak a little louder, Mr. White.

A. Certain people were selected as couriers. They were taught never to come near authority headquarters, or the Young Communist League headquarters. Usually they were young girls or old women or inconspicuous persons. They were divided up into small groups and they were given their instructions individually by the next official in charge of sending courier type messages. When I returned to the United States I was assigned to help organize such a system in Harlem, and also in Newark, New Jersey, where I was secretary of the Young Communist League. After I had assigned certain people to that work I was told to forget that I ever met them, and never come near them until I would be told to. From time to [fol. 1381] time I received a message from one of these couriers at a designated and prearranged place. Sometimes in a cafeteria; sometimes in a railroad terminal. It would be on onion skin paper and sealed with wax. Usually these messages were of minor importance, depending upon the circumstances at the moment, facing the Communist movement. There were, for a long time practice couriers who would bring messages, just to keep in practice in case a serious message had to come through. This was a system organized. On the other hand there was another system organized of coding and decoding. In the Lenin school we were taught to set up codes and break them down; to send messages by code, and there were so many various systems of this type thought up until it is subject for a long discourse.

Mr. Cercone: All right. That is all. You may cross-examine.

Mr. Nelson: Well, I want to renew my motion, your Honor. This man's testimony, even if any of it related to facts, even the matters would be 20 years old.

The Court: That is the same motion you made with regard to the testimony of Mr. Crouch and Mr. Patterson.

Mr. Nelson: That is right.

The Court: We will overrule the motion and grant you [fol. 1382] an exception.

Cross-examination.

Mr. Nelson:

Q. In how many cases have you testified of this nature?

A. I would have to count them. I would say approximately 12.

Q. Over a period of how many years?

A. I first appeared in 1936. That would be almost 16 years.

Q. And where were these hearings held?

A. The first was held in New York City; the second was held in Washington, District of Columbia. The subsequent ones were held in New York, and in Boston and now in Pittsburgh.

Q. You didn't relate, or did you? I missed it if you did. When and under what circumstances—when you left the Communist Party?

A. In 1936.

Q. Where was that?

A. That was in Harlem, in New York City.

Q. And where did you go to work after you left the Communist Party?

A. I worked for the Federal Art Projects of the W.P.A. as a writer.

Q. How long did that last?

A. Approximately two years, in that particular project.

Q. From 1936 to 1938?

A. That is correct.

Mr. Cercone:

Q. Where was that?

[fol. 1383] A. That was in New York City, the Federal Art Project. Shall I continue?

Mr. Nelson.

Q. Yes.

A. I worked for the Federal Theatre, or rather Federal Radio Project, and for the Board of Education, which brings me up to 1939 or 1940. Then I obtained a job working for the Wright Aircraft in Akron, Ohio. I returned to New York, I took a physical examination and a mental test for conductor for a one man street car operator, and they appointed me as a one man street car operator in 1941 or 1942—something like that—and I have been there ever since.

Q. Now, when you testify in these cases, were you paid any kind of witness fee?

A. In some cases yes, and in some cases no. Shall I enumerate them?

Q. How much were you paid when you were paid?

A. $5.00 a day in Washington, D. C.; that was for lodgings and food—that was not for anything else. And in New York I received from the immigration service, first $12.00 a day and then they increased it to $20.00 a day, and then they increased it to $25.00 a day as the inflationary sphere went up.

Q. Were you, or weren't you expelled from the Communist Party at the time you say you left the Party?

A. Well, that is what the Communist Party say.

[fol. 1384] Q. Were any specific charges brought against you?

A. Yes, according to the Daily Worker, they charged me with being an aid for Adolph Hitler; being one of the men who helped to kill Kerov in Leningrad; being an enemy of the American democracy.

Q. Have you a statement to that effect?

A. It was in the Daily Worker in 1936, in September. They said I was an enemy to the Negro race; that I was working for the Japanese intelligence, and that I helped Leon Trotsky in a murder in Leningrad. That is all I can recall now.

Q. Now, you say that you came back from the Soviet Union in 19—when?

A. I came back in 1932, in the fall.

Q. You left the Party or were expelled in 1936, right?

Mr. Cerecino: Nothing was said about being expelled.

The Court: He said he was expelled from the Party according to the Daily Worker.

Mr. Nelson: He admitted he was expelled.

A. According to the Communist Party. I answered the question at first that I had left the Communist movement.

Q. Now, when you left the Communist movement in 1936 you became quite—I mean at that time you knew all these facts you testified to today, didn't you?

A. Yes.

[fol. 1385] Q. Did you report it to any of the departments of the government?

A. If they asked me, I did. They asked me about Gerhardt Eisler, I reported that.

Q. Did you go up to the government and tell them that the Communist Party of the United States, or its members, are preparing to overthrow the government, or have an armed revolution, or these things you testified to today, 20 years after you came back from Moscow, did you ever go down to the government when you left the Communist Party and report these things?

A. I wrote it in the press and after writing it to the press, it came to the attention of government agencies, who gave me subpoenaes to come and testify. The subcommittee on appropriations in Congress in 1939 sent me such a subpoena, after sending investigators to my house. And in applying for employment I told them honestly where I—my background, and this went to my employment record, and through my employment records certain investigators came to my house, wanting to get more information from me, and I told them the truth. I didn't exaggerate. I had some literature, and I showed them that. Sometimes they took me serious and sometimes they didn't. Mostly they didn't.

Q. Then the authorities knew, then, judging from your answer here, did they not, these facts you are testifying to here today; they knew at least ten years ago?

A. Yes, the New York Times had it on page 1 in 1939.

Q. What action, if any action was taken by any branch

of the governments against people who you claim to know

[fol. 1386] Mr. Cercone: That is objected to as immaterial.

The Court: We will permit it.

The Court:

Q. Do you know of any action being taken?

A. Yes. The Congress put certain riders on appropriations where they felt that public funds were being sent and diverted to the Communist causes. The Grand Jury in Washington, D. C. heard me and they indicted Gerhardt Eisler, who was later ordered deported, I believe. He left. The immigration service ruled that J. Peters should be deported and Beatrice Simon should be deported. They were allowed to depart voluntarily. There were some other actions taken in different other cases, but most of them resulted from my information, led more to investigation until after the end of the war.

Mr. Nelson:

Q. All right. Who contacted you to come to testify in this case?

A. Formally, the Immigration Naturalization Service in New York called up my boss on the job and asked him if he would give me a telephone number I could call up the Immigration Service. I called Immigration Service and they introduced me to Justice Louis—he was the attorney for the prosecution—and he asked me if I knew the defendant, and where, and when, and he asked me about my background; and he said that, "I am going to serve you [fol. 1387] a subpoena, and there is a hearing going to take place in Pittsburgh," would I be willing to accept the service. I told him yes. That is how I come in contact with this case. Later the present Assistant Attorney General communicated with me.

Q. You mean the Commonwealth, the United States District Attorney?

A. No, this District Attorney over here.

Q. Who did you discuss the case with when you came to Pittsburgh?

A. Well, just the counsel for the prosecution, and let me see if anybody else? No, I didn't discuss this case with anybody else by counsel for prosecution.

Q. So that it is your testimony, is it not, that the hybrid story that you told here; the weird story of destroying the water works, of taking over telegraph stations, taking over cities and destroying cities, and taking over telegraph systems, and if they can't be taken over to destroy it, all these things were known to the government, were they, for at least ten years?

A. Yes. They were in the Congressional Record, you can see it there.

Q. And is it, or is it not a fact, that the reason no action was taken that they didn't believe your weird story; isn't that right?

A. I don't know. I don't know why no action was taken.

Mr. Nelson: All right. I am asking for the privilege to recall him tomorrow morning. He was thrown in suddenly here.

The Court: We will grant you the same privilege. You may call him tomorrow morning.

[fol. 1388] Tuesday, January 8, 1952. Afternoon Session.

Met pursuant to adjournment and the taking of testimony continues:

(At side bar):

Mr. Nelson: I want to call the attention of the Court to a very prejudicial piece of material dealing with the story of Matt Cvetic that he sold to a newspaper here, and it is going to run for a long time, and in this story there are statements like referring to Communists with work with the Soviet and the Soviet conspiracy, this is being exposed, and other such statements as that, and I request the Court——

The Court: You are referring to the announcement of the radio stories by Cvetic appearing in the editions of the newspapers of Pittsburgh on the 7th day of January, 1952?

Mr. Nelson: Yes. If the Court permits I would like to have—I don't want to take up your time, but I would like to have this story read into the record and I'll give [fol. 1389] it to the reporter.

The Court: Well, you can further the record by supplying some sort of a compilation of these stories that you want, rather than read them into the record. You can copy the excerpts that form the basis of your motion later on and it will be considered for the record as an exhibit.

Mr. Nelson: All right. Well, your Honor, I believe on the basis of this story, or these series articles, I am entitled to make a motion and I think it is proper for a mistrial. This will make a fair trial utterly impossible, all the jurors read this or will read this, and the whole thing is being played up, and from what I understand he is going to be a witness in this case, but even if he wasn't he was in the previous trial and every juror knows that, and he is being played up as a great American and what not. It makes it impossible for me to offset this kind of prejudicial things that are cumulative, and no juror can decide these things without prejudice, even though they [fol. 1390] were the fairest people in the world.

The Court: It is merely an announcement of a series to come——

Mr. Nelson: In the article itself there are important things.

The Court: Well, you can offer the article as an exhibit——

Mr. Nelson: I'll give you just one part of it, your Honor: "Through this program the American radio public will be made more aware of the inner workings, methods and goals of Communists in the United States; therefore more conscious of the menace of Communism to our nation." That's only one. So I think it is important——

The Court: The motion is refused. Exception noted.

Mr. Nelson: Then, finally, your Honor, I'm not sure whether I made a motion in connection with these two witnesses yesterday, to strike out their testimony on the [fol. 1391] ground——

The Court: I think you did that.

Mr. Nelson: All right, so I understand, all right.

(End of side bar.)

Leonard Patterson, recall for further cross examination, testified as follows:

Mr. Nelson: Your Honor, I would like to make a request that the other witness, Mr. White, be asked to step out of the court room while I cross examine this witness.

The Court: We will ask the District Attorney to have his witness remain outside of the court room during the cross examination of this witness.

Cross-examination.

Mr. Nelson:

Q. I think you testified, didn't you, that you were born in North Carolina?

[fol. 1392] A. I did.

Q. Do you have any brothers and sisters?

A. No.

Q. Have you any other close relatives?

A. First cousins; aunts, uncles.

Q. Where are they?

A. Some in New York, some in North Carolina.

Q. The ones that are in New York, what are they doing for a living?

A. They all work.

Q. Any of them employed by the Government?

A. No.

Q. I believe you testified that in 1928 you were working as a bootblack in New York City, is that right?

A. Yes, I were.

Q. Yes, and what was the job that you had just prior to that?

A. I was in the cafeteria line.

Q. Just what year were you in the cafeteria line?

A. Oh, I would say around 1926 and '7.

Q. '26 and '7?

A. Uh-huh.

Q. That is in New York City?

A. Yes.

Q. What particular cafeteria did you work for?

A. Oh, I don't recall the particular cafeteria just now.

Q. How long did you work on one of these jobs in the cafeteria?

[fol. 1393] A. I worked on one job, Kleinsher's, for a couple of years, but that was around 1924 and '5.

Q. I see. So that prior to the job, that is the job you had just before you were a bootblack in 1928, you worked in a cafeteria over a period of two or three years.

A. Well, I followed that line. I worked, for example in 1926 I know I worked for Thompson's a while there around the Grand Central.

Q. What was the job you had just before that, before the one you had in 1924—Thompson's was it? or 1925?

A. Well, as I pointed out yesterday, I followed the hotel and restaurant line even in West Virginia and Virginia, and I came to New York and I continued in that.

Q. Well, I don't know that you mentioned anything about West Virginia yesterday, did you?

A. Uh-huh. I mentioned Old Sweet Springs, West Virginia.

Q. What did you do there?

A. Worked in the hotel.

Q. Pardon me?

A. Worked in the hotel, in the kitchen.

Q. What year was that?

A. Oh, I guess that was around '22 or '23, one of those years.

Q. I see. Just prior to that what was the job you had?

A. Well, I testified to that yesterday. I worked in the Petersburg Hotel. I worked in the tobacco factories.

Q. That was when? What year?

[fol. 1394] I'll say 1920 and '21 for a while.

Q. What hotel was that?

A. Hotel Petersburg.

Q. In—

A. Petersburg, Virginia.

Q. I see. All right. I believe you testified you worked as a long horseman on the Philadelphia waterfront in the '30's?

A. Yes.

Q. What year did you go to work as a longshoreman?

A. 1935.

Q. And how long did you work at that?

. Well, I remained on the waterfront until 1945, ex
ing the time I was in the Army. I went out for a while
he shipyards but I always wound up by going back on
waterfront.
. Then in 1945 is the year you stated here you left
shore work and you went to work as a taxi driver in
York City; is that it?
. Yes, I worked as a taxi driver in New York City.
. Let me get that straight.
. Yes, I went to work as a taxi driver in New York
, either '45 or '46—I think it was '45.
. And what was the company that you went to work
in New York City as a taxi driver at that time?
. Jo-Ott Taxicab, Incorporated.
. What?
. Jo-Ott.
1395]. Q. I see. Is that in New York City?
. Yes.
. How long did you stay with that company?
. Well, I'm still with that company in a sense; it's split
artnership and one section is in Brooklyn which main-
s the name of Jo-Ott and my employment at present
ith Helen; it's in the Bronx.
. What's the name?
. Helen Taxi Company, Incorporated.
. In the Bronx?
. Yes; there's two partners, they split, I remained with
Helen section.
. So that you have been working with this company
1946 to the present time; you had no other employ-
t between times?
. Oh, yes, I had other employment in between.
. What was it?
. Oh, for example, I stopped a while and drove a truck;
ove a truck for Sollefberg & Trautman; but after that
shore work I always wind up back on a cab.
. But you didn't say that yesterday. You stated that
worked as longshoreman. I mean a taxi driver from
time you left longshore work until the present, didn't

A. I think if you understand the English language I said often and on.

Q. Is that your testimony of yesterday?

A. Yes, sir, very much so.

[fol. 1396] Q. That isn't my recollection——

A. You have a record——

Q. I don't have the record——

A. I mean the record is here.

Q. Not this man (indicating), he didn't take it.

Mr. Nelson: If he was here I would like to have the record read.

Mr. Cercone: That's in the record. If he can't recollect it——

The Court: Well, we will let the jury rely on its own recollection of what the witness said. If it's contrary they can——

Mr. Nelson: My impression was that the testimony was different.

The Court: I don't know whether my notes will help in that respect or not, I'll check them.

Mr. Cercone: I think he said "off and on", your Honor.

[fol. 1397] Mr. Nelson: All right.

Mr. Nelson:

Q. And what garage do you operate out of now as a taxi driver in the Bronx?

A. Helen Taxi Company.

Q. They only have one garage?

A. Yes, they only have one.

Q. And what are your earnings with this company; what do you earn a week?

A. 42½ per cent commission.

Q. And what do you make on the basis of that?

A. 42½ per cent.

Q. I mean on the basis of that average——

A. Depends on how much I work; maybe I don't work but one day a week, maybe I don't work for three hours I don't go out, I don't feel like it.

Q. Well, what's your best estimate you make, on the average in the course of a year driving a taxi for this company?

I'll estimate that when they send me income tax blanks the
How much does that show——
—from the Internal Revenue. I haven't received that yet.
For 1950?
No, '51, I haven't received that.
1398] Q. Well, how about 1950?
Well, I didn't——

Cercone: This is objected to as being immaterial.
Court: The objection is overruled. You can estimate what you earned last year from driving a taxi.

Well, 1950 I don't recall. I don't have—I haven't
lted my bookkeepers yet.

Mr. Nelson:

Well, what is your best recollection, what's the tax paid last year?
Well, I don't even know about those things. I'll tell you, if you want me to, I'll send you—I'll go back home and look it up.
I'm asking you now——

The Court:

What do you average a week when you work full time on it?

Mr. Nelson:

If you don't know you can say you don't know——
1399] A. I have no way of telling. I work on commission and tips.
Don't you pay an income tax?
At the end of the year.
Well, I'm asking you whether you paid it in 1950; I'm not asking you about 1951?
Well, I don't recall. I don't recall.
All right, you don't recall. Are you married?
I am.
Any children.
Yep.

Q. How many?
A. I have one foster daughter.
Q. Were you ever divorced?
A. I was.
Q. How long ago?
A. Oh, I think my divorce come down in 1944 or '5.
Q. 1944 or '5?
A. Uh-huh.
Q. What city was that in?
A. New York City.
Q. In what Court did the proceedings take place?
A. I don't know. I wasn't there. I was absent in the divorce, I was absent, but I know the Veterans Administration got a disposition of my case.
Q. And what month was that, do you recall?
A. No.

[fol. 1400] Mr. Cercone: This is objected to as going far afield, your Honor.

The Court: Oh, we will allow him a little leeway. Go ahead. Objection overruled.

Mr. Nelson: I don't know what Crouch is doing here. Is he getting a briefing, your Honor? Is he going to get paid for staying here? He says he lost all of the money. I don't understand what he's doing here.

Mr. Cercone: Arrangements are being made for him to day to return——

The Court: I don't know, but your remarks are out of order, Mr. Nelson. If you want to recall him for cross-examination he's available apparently.

Mr. Nelson: He is?

The Court: Yes, he's here; if there is any thing you want to recall him about, you may.

[fol. 1401] Mr. Nelson:

Q. Who undertook this proceeding? Was it on your initiative or on your wife's—your first wife's initiative?

Mr. Cercone: This is objected to, your Honor.

Objection overruled.

A. Jointly; a mutual agreement.

Mr. Nelson:

I see. Does your present wife work?
She's a housewife.
I believe you testified yesterday that you testified in
e cases or so; is that right?
I said approximately.
All right. Now, what was the first case you testified
d when?
I testified in the Anna Block case in Detroit, as I
yesterday, I believe it was in 1948, it could have been

And that was in Detroit?
Detroit, yes.
What was the second case you testified in?
Went back on the same case the following Spring,
ieve.
What was the next case?
Let me see, now. I haven't kept a record of these
1402] cases, so I'll have to have time to try to——
All right, we'll give you a little time
—to think them up. I don't know, I think it was the
k—I don't know. I believe it was a case in California.

What was the name of that case, do you recall?
Oh, today your want it. Yesterday you didn't want
ıh?
It's my privilege, Mr. Witness, and you answer the
ion——

e Court: He didn't want it yesterday, he wants it

The Court:

You said the second or the——

Mr. Nelson:

The third case.
Well, I'm not putting them in rotation, I don't guess
giving the best of my remembrance, and I think